

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 1-24 remain in the application and, as amended herein, are submitted for the Examiner's reconsideration.

Claim 3 has been amended solely to provide proper antecedence and have the claim better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1, 8, 12, 13, 20, and 24 were rejected under 35 U.S.C. § 103(a) as being anticipated by Ueda (U.S. Patent No. 6,289,102) in view of Proudler (U.S. Patent No. 6,240,188). Applicant submits that the claims are patentably distinguishable over the cited references.

Claims 1, 8, 12, 13, 20, and 24 have each been amended to more clearly show the differences between the claimed invention and the relied on art. For example, amended claim 1 calls for:

a virtual storage device and a first structure each being operable to alternatively execute mutual authentication between said first structure and said virtual storage device when the external storage device does not include any structure operable to execute the mutual authentication and is not operable to enable such mutual authentication and the memory does not store a ciphering key used when carrying out such mutual authentication, the mutual authentication thereby being carried out solely within said data processing apparatus[.] (Emphasis added.)

Neither the relied on sections of Ueda nor the relied on sections of Proudler disclose or suggest alternatively executing mutual authentication between a first structure and a virtual storage device when a memory (of an external storage device) does not store a ciphering key used when carrying out such mutual authentication.

Rather, the relied on sections of Ueda (see col.37 11.23-27) describe a mutual authentication process that is carried out between an optical disk drive and an AV decoder card in which a mutual authentication key is read from the sector header field of the scramble information sector in the lead-in area of an information recording medium. (See also Figs.10 and 11(d), and col.15 11.8-20.) The relied on sections of Ueda do not disclose or suggest carrying out mutual authentication between an optical disk drive and an AV decoder card when an information recording medium does not store a mutual authentication key.

The relied on sections of Proudler do not remedy the deficiencies of the relied on sections of Ueda. Instead, the relied on sections of Proudler describe mutual authentication carried out between a trusted device of a trusted platform and a smart card, i.e., the relied on sections of the patent describe mutual authentication carried out between a trusted device of a trusted platform and a storage device that is external to the trusted platform. (See Fig.6 and col.12 11.45-46 and 56-59.)

It follows, for at least the above reasons, that neither the relied-on sections of Ueda, nor the relied-on sections of Proudler, whether taken alone or in combination, disclose or suggest the combination set out in claim 1, and therefore claim 1 is patentably distinct and unobvious over the cited references.

Independent claims 8, 12, 13, 20, and 24 each include limitations similar to those set out in the above excerpt of claim 1. Therefore, each of these claims is patentably distinct and unobvious over the relied on sections of Ueda and Proudler for at least the same reasons.

Claims 2, 9, 14, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Proudler further in view of Ansell (U.S. Patent No. 6,367,019).

Applicant submits that the claims are patentably distinguishable over the cited references.

Claim 2 depends from claim 1, claim 9 depends from claim 8, claim 14 depends from claim 13, and claim 21 depends from claim 20. Therefore, each of these claims is distinguishable over the relied on sections of Ueda and Proudler for at least the same reasons as the claim from which it depends.

The relied on sections of Ansell do not cure the deficiencies of the relied on sections of Ueda and Proudler.

Moreover, the Examiner contends that Ansell "discloses initially checking whether the external storage device includes a structure operable to execute the mutual authentication" and refers to column 12, lines 30-41 of the reference. The relied on sections of Ansell, however, merely describe a smart medium with cryptographic logic that performs encryption and decryption using an encryption algorithm and key. The relied on sections of Ansell neither disclose nor suggest that the cryptographic logic includes the capability of executing mutual authentication.

Claims 3, 5-7, 10, 15, 17-19, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Proudler further in view of Dondeti. Applicant submits that the claims are patentably distinguishable over the cited references.

Claims 3 and 5-7 depend from claim 1, claim 10 depends from claim 8, claims 15 and 17-19 depend from claim 13, and claim 22 depends from claim 20. Therefore, each of these claims is distinguishable over the relied on sections of Ueda and Proudler at least for the same reasons as its parent claim.

The relied on sections of Dondeti do not address the deficiencies of the relied on sections of Ueda and Proudler.

Claims 4, 11, 16, and 23 were rejected under

35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Proudler and Dondeti and further in view of Harada. Applicant submits that the claims are patentably distinguishable over the cited references.

Claim 4 depends from claim 1, and claim 16 depends from claim 13. Therefore, each of these claims is distinguishable over the relied on sections of Ueda and Proudler for at least the same reasons as the claim from which it depends.

Independent claims 11 and 23 have each been amended to include limitations similar to those set out in the above excerpt of claim 1. Therefore, each of these claims is distinguishable over the relied on sections of Ueda and Proudler for at least the same reasons.

Neither the relied on sections of Dondeti nor the relied on sections of Harada remedy the deficiencies of the relied on sections of Ueda and Proudler.

Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

Application No.: 09/911,042

Docket No.: SONYJP 3.0-190

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 8, 2008

Respectfully submitted,

By 

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

829006\_1.DOC